

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WAYNE BALIGA, derivatively on behalf of
LINK MOTION INC. (F/K/A NQ MOBILE INC.)

1:18-cv-11642

Plaintiff,

JOINT LETTER

-against-

LINK MOTION INC. (F/K/A NQ MOBILE INC.),
VINCENT WENYONG SHI,
JIA LIAN,
XIAO YU,

Defendants,

-and-

LINK MOTION INC. (F/K/A NQ MOBILE INC.),

Nominal Defendant.

Plaintiff and Defendant Link Motion Inc. (“Defendant”) did meet and confer and now submit this joint letter pursuant to this Court’s December 14, 2018 Temporary Restraining Order.

Defendant does consent to this Court’s December 14, 2018 Temporary Restraining Order remaining in effect pending this Court’s ruling on Plaintiff’s request for a preliminary injunction and temporary receiver.

Plaintiff and Defendant could not come to agreement on a single proposed briefing schedule on Plaintiff’s preliminary injunction and temporary receiver request.

Plaintiff’s Statement and Proposal

Plaintiff respectfully requests that this Court set an expedited briefing schedule, keeping in mind that preliminary injunction applications in general are time-sensitive and shall be given preference in terms of timing and processing, and in particular here, it is much easier for the bad actors to continue

their wrongful behavior with just a TRO in place as opposed to a temporary receiver, who would be able to take actions in China to stop the wrongful disposition of company assets. The latest schedule Plaintiff was willing to agree to with Defendant during the meet and confer was: opposition due January 14, 2019, and reply in support due January 21, 2019. Plaintiff again, though, respectfully requests this Court set a briefing schedule that would get to disposition of this request as quickly as this Court sees fit.

Defendant's Statement and Proposal

Defendant respectfully requests that the Court enter the following schedule: an opposition response date of January 21, 2019, and a reply date of January 28, 2019. Plaintiff seeks a shorter schedule despite already having a TRO in place restricting any transfers and despite Defendant's consent to keep the TRO in place until a determination on the motion is made by the Court. Plaintiff's motion seeks extraordinary relief to install a receiver over Link Motion. All of the Defendants and Link Motion's operations are located in China, which is a 13 hour time difference from New York. Moreover, there are significant language barriers, which result in the parties needing additional time and resources to obtain translation of both verbal and written communications. In light of this as well as the upcoming holidays, Defendant requests the Court enter the schedule Defendant has set forth.

Respectfully submitted on December 21, 2018:



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